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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,409	11/16/2001	Min Young Park	2080-3-48	3335
35884 7590 01/29/2007 LEE, HONG, DEGERMAN, KANG & SCHMADEKA 801 S. FIGUEROA STREET 12TH FLOOR LOS ANGELES, CA 90017			EXAMINER GILLIS, BRIAN J	
			ART UNIT 2141	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/991,409

Applicant(s)

PARK, MIN YOUNG

Examiner

Brian J. Gillis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 30, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the cable modem" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 11, 13, 14, 16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by DiNatale et al (WIPO Pub # WO 02/48897 A1).

(Claim 11 discloses) a method for initializing a cable modem, the method comprising: registering information related to a detected configuration file in a dynamic host configuration protocol (DHCP) server (DiNatale et al shows the DHCP server can determine the file name information from the cable modem (page 10, lines 7-10).); receiving the information related to the detected configuration file registered in the DHCP server (DiNatale et al shows the DHCP server sends the configuration file information to the cable modem (page 6, lines 8-10).); comparing the received information related to the detected configuration file with information related to a previously stored configuration file (DiNatale et al shows the file name is read and compared to the file name downloaded in the previous power-up process (page 7, lines 29-31).); and reading the previously stored configuration file, registering the cable modem using the previously stored configuration file and initializing the cable modem based on the previously stored configuration file when the received information related to the detected configuration file is identical to the information of the previously stored

configuration file (DiNatale et al shows files are compared and if the previously stored file is the current then the modem is configured and begins its operational state (page 7, line 29 – page 8 line 16, page 9, line 32- page 10, line 2)).

(Claim 13 discloses) the method of claim 11, wherein comparing the received information related to the detected configuration file with the information related to the previously stored configuration file comprises: comparing a file name of the detected configuration file to a file name of the previously stored configuration file (DiNatale et al shows the names are compared (page 7, lines 29-31).); downloading the detected configuration file if the file name of the detected configuration file and the file name of the previously stored configuration file are different; and comparing a version of the detected configuration file to a version of the previously stored configuration file if the file name of the detected configuration file is identical to the file name of the previously stored configuration file (DiNatale et al shows the file contains major revision numbers, minor revision numbers, and patch revision numbers which are used to compare the stored file with the file name downloaded (page 8, lines 26-31, page 9, lines 1-13).); and downloading the detected configuration file if the version of the detected configuration file is more recent than the version of the stored configuration file version (DiNatale et al shows the values in the files are compared and if necessary the latest version is downloaded and (page 9, lines 16-25)).

(Claim 14 discloses) the method of claim 13, further comprising: performing a registration process of the cable modem by using the previously stored configuration file if the version of the detected configuration file is the same as the version of the

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previously stored configuration file version (DiNatale et al shows that if there is a match between the two files then the cable modem is already using the latest version of the software (page 10, lines 12-13)).

(Claim 16 discloses) the method of claim 11, wherein initializing the cable modem is performed based on the previously stored configuration file when a file name and version of the detected configuration file are identical to a file name and version of the previously stored configuration file (DiNatale et al shows files are compared and if the previously stored file is the current version then the modem is configured and begins its operational state (page 7, line 29 – page 8 line 16, page 9, line 32- page 10, line 2)).

(Claim 19 discloses) a method for initializing a modem, the method comprising: receiving only version information related to a detected configuration file registered in a dynamic host configuration protocol (DHCP) server (DiNatale et al shows the DHCP server sends the configuration file information to the cable modem (page 6, lines 8-10).); comparing the received version information with version information related to a previously stored configuration file (DiNatale et al shows the file name is read and compared to the file name downloaded in the previous power-up process (page 7, lines 29-31).); and reading the previously stored configuration file and initializing the cable modem based on the previously stored configuration file when the received version information is identical to the version information of the previously stored configuration file (DiNatale et al shows files are compared and if the previously stored file is the current then the modem is configured and begins its operational state (page 7, line 29 – page 8 line 16, page 9, line 32- page 10, line 2)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roeck et al (US Patent #6,574,796) in view of DiNatale et al (WIPO Pub # WO 02/48897 A1).

Claim 1 discloses an apparatus for initializing a cable modem comprising: a tuner unit adapted to receive, tune and output a plurality of downstream signals received from a cable modem termination system and to receive, tune and output a plurality of upstream signals to the cable modem termination system; a downstream unit adapted to demodulate the downstream signals from the tuner unit and separate general data from a media access control (MAC) management message; a message processor adapted to detect version information of a configuration file for initializing the cable modem and manufacturing automation protocol (MAP) information according to the MAC management message input from the downstream unit; a CPU adapted to control the message processor; and an upstream unit adapted to generate and modulate the upstream signal according to the MAP information detected by the message processor, wherein the CPU reads a previously stored configuration file from a memory when the detected version information of the configuration is identical to version information of the previously stored configuration file and initializes the cable modem based on the

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previously stored configuration file. Roeck et al teaches of a cable modem with a tuner (column 11, lines 58-61), a receiver chip that demodulates the data (column 12, lines 3-5), a receiver chip in conjunction with the central processing unit can process data from downstream (column 12, lines 15-21), a CPU with its own memory for storing data (column 12, lines 16-17), the CPU controls the receiver chip (column 12, lines 9-12), and a transmitter chip which modulates and prepares the signal for transmission upstream (column 12, lines 30-34, 38-40). It fails to teach of a CPU reads a previously stored configuration file from a memory when the detected version information of the configuration is identical to version information of the previously stored configuration file and initializes the cable modem based on the previously stored configuration file.

DiNatale et al teaches of files are compared and if the previously stored file is the current version then the modem is configured and begins its operational state (page 7, line 29 – page 8 line 16, page 9, line 32- page 10, line 2).

Roeck et al and DiNatale et al are analogous art because they are both related to cable modem initialization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the process of configuring a cable modem in DiNatale et al with the device taught by Roeck et al because this will ensure that all the capabilities included within the cable modem are utilized during operation (DiNatale et al, page 10, lines 24-27).

Claim 4 discloses the apparatus of claim 1, wherein the CPU compares a name of the configuration file detected by the message processor to a name of the

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configuration file previously stored in the memory and selects the configuration file of a later version. DiNatale et al further teaches of a process where information is read and compared to information downloaded during a previous power up and now stored in the modem. If the information is not the same then the latest version is saved in the modem (page 7, lines 29-32).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roeck et al (US Patent #6,574,796) in view of DiNatale et al (WIPO Pub # WO 02/48897 A1) as applied to claim 1 above, and further in view of Welles, II et al (US Patent #6,532,495).

Claim 2 discloses the apparatus of claim 1, wherein the general data of the downstream unit is transmitted to a display unit that can be viewed by a user through an MPEG 2 transport stream interface, and the MAC management message is transmitted to the message processor. Roeck et al in view of DiNatale et al teaches of the limitations in claim 1 as recited above. It fails to teach of the data in the downstream unit being transmitted to a display unit and to a message processor. Welles, II et al teaches of a data receiver connected to an input connection and also to a television set so that a data stream input connection is conducted to both the television set and to the data receiver (column 7, lines 36-40).

Roeck et al in view of DiNatale et al and Welles, II et al are analogous art because they are both related to data transmission through a cable modem.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the connection in Welles, II et al and adapt it to the device in Roeck et al in view of DiNatale et al because the data connection line carries two types and

data can be conducted to both a display unit and to the message processor (Welles, column 7, lines 38-40).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roeck et al (US Patent #6,574,796) in view of DiNatale et al (WIPO Pub # WO 02/48897 A1) as applied to claim 1 above, and further in view of Gatherer et al (US Patent #6,549,584) in view of Rainard (US Patent #5,473,610).

Claim 5 discloses the apparatus of claim 1, wherein the message processor parses the format of information related to the detected configuration file into a configuration file name part and a configuration file version part with a delimiter part there between. Roeck et al in view of DiNatale et al teaches of the limitations in claim 1 as recited above. It fails to teach of parsing information into parts with a delimiter in between. Gatherer et al teaches of a parser function which processes the incoming bit stream into groups of bits of specific lengths which separates the data providing a delimiter in between (column 8, lines 66-67, column 9, lines 1-8).

Roeck et al in view of DiNatale et al and Gatherer et al are analogous art because they are both related to receiving setup information over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the parser function taught by Gatherer et al with the device taught by Roeck et al in view of DiNatale et al because the function can reduce errors inherently speeding up the process (Gatherer et al, column 10, lines 52-56).

Roeck et al in view of DiNatale et al in view of Gatherer et al teaches of the limitations as recited above. It fails to teach of a delimiter part between the

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configuration file name part and the configuration file version part. Rainard teaches of using a delimiter, which is widely known to be defined as a character or sequence of characters marking the beginning or end of a unit of data, of fixed length inserted between two fields to make it possible to know the location of data (column 2, lines 10-19).

Roeck et al in view of DiNatale et al in view of Gatherer et al and Rainard are analogous art because they are both related to receiving setup information over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the delimiter in Rainard with the device taught by Roeck et al in view of DiNatale et al in view of Gatherer et al because the location of specific data is known (Rainard, column 2, lines 10-16).

Claim 6 discloses the apparatus of claim 5, wherein the format of the information related to the detected configuration file comprises a file name part indicating a configuration file name, a file version part indicating a configuration file version, and a delimiter part differentiating the file name part and the file version part. DiNatale et al further teaches of a file format which has the file name part with the file version part included (page 8, lines 8-13). Rainard further teaches of using a delimiter, which is widely known to be defined as a character or sequence of characters marking the beginning or end of a unit of data, of fixed length inserted between two fields to make it possible to know the location of data (column 2, lines 10-19).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiNatale et al (WIPO Pub # WO 02/48897 A1), in view of Gatherer et al (US Patent #6,549,584).

Claim 12 discloses the method of claim 11, wherein receiving the information related to the detected configuration file comprises: parsing the configuration file information into a file name part and a file version part. DiNatale et al teaches of the limitations of claim 11 as recited above. It fails to teach of parsing the information as received into a name part and version part. Gatherer et al teaches of a parser function, which processes the incoming bit stream into groups of bits of specific lengths (column 8, line 66 - column 9, line 8).

DiNatale et al and Gatherer et al are analogous art because they are both related to cable modem operating.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the parser function method taught by Gatherer et al with the method taught by DiNatale et al because the function can reduce errors inherently speeding up the process (Gatherer, column 10, lines 52-56).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiNatale et al (WIPO Pub # WO 02/48897 A1) in view of Rainard (US Patent #5,473,610).

Claim 15 discloses the method of claim 11, wherein the format of the information related to the detected configuration file and the previously stored configuration file comprises: a file name part indicating a configuration file name; a file version part indicating a configuration file version; and a delimiter part between the file name part and the file version part. DiNatale et al teaches of a file format, which contains the

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name of the file (page 7, lines 8-11, page 8, lines 26-31, page 9, lines 1-2), and a file format, which also contains the file version (page 7, lines 8-11, page 8, lines 26-31, page 9, lines 1-2). It fails to teach of a delimiter part between the configuration file name part and the configuration file version part. Rainard teaches of using a delimiter, which is widely known to be defined as a character or sequence of characters marking the beginning or end of a unit of data, of fixed length inserted between two fields to make it possible to know the location of data (column 2, lines 10-19).

DiNatale et al and Rainard are analogous art because they are both related to receiving setup information over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the delimiter in Rainard with the file in DiNatale et al because the location of specific data is known (Rainard, column 2, lines 10-16).

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiNatale et al (WIPO Pub # WO 02/48897 A1) in view of Gatherer et al (US Patent #6,549,584) in view of Rainard (US Patent #5,473,610).

Claim 17 discloses a method for initializing a cable modem, the method comprising: constructing first configuration file information with a file name part, a file version part and a delimiter part, the delimiter part having a finite size such that the file name part and file version part border the delimiter part, and registering the configuration file information in a dynamic host configuration protocol (DHCP) server, the first configuration file information corresponding to a detected configuration file; receiving the first configuration file information registered in the DHCP server; parsing

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the first configuration file information into a file name part and a file version part; reading second configuration file information corresponding to a previously stored configuration file; comparing the file name part of the configuration file information to a file name part of the second configuration file information; downloading the detected configuration file if the file name part of the first configuration file information and the file name part of the second configuration file information are different, and comparing the file version part of the first configuration file information to a file version part of the second configuration file information only if the file name part of the first configuration file name is identical to the file name part of the second configuration file information; comparing the file version part of the first configuration file information to a file version part of the second configuration file information only if the file name part of the first configuration file information is identical to the file name part of the second configuration file information; downloading the detected configuration file if the file version part of the first configuration file information is more recent than the file version part of the second configuration file information and reading the previously stored configuration file if the file version part of the first configuration file information is one of older than and the same as the file version part of the second configuration file information; and performing a registration process using one of the detected configuration file and the previously stored configuration file name information according to the comparison result. DiNatale teaches of constructing the configuration file (page 6, lines 26-32), receiving the first configuration file (page 6, lines 8-10), reading the second configuration file (page 7, line 29 – page 8, line 16), comparing the files (page 7, line 29 – page 8, line 16),

downloading the first configuration file if the names are different (page 9, lines 21-25), comparing the file version information (page 10, lines 18-27), and downloading the more recent file (page 7, line 29 – page 8, line 1). It fails to teach of parsing the information, and constructing the file using a delimiter and downloading a file only if the file to be downloaded is more recent or if the file names are identical. Gatherer et al teaches of a parser function which processes the incoming bit stream into groups of bits of specific lengths which separates the data providing a delimiter in between (column 8, lines 66-67, column 9, lines 1-8).

DiNatale et al and Gatherer et al are analogous art because they are both related to data processing in a cable modem.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the parser function method taught by Gatherer et al, with the method taught by DiNatale et al because the function can reduce errors inherently speeding up the process (Gatherer, column 10, lines 52-56).

DiNatale et al and Gatherer et al teach of the limitations as recited above. It fails to teach of constructing the file using a delimiter and downloading a file only if the file to be downloaded is more recent or if the file names are identical. Rainard teaches of using a delimiter, which is widely known to be defined as a character or sequence of characters marking the beginning or end of a unit of data, of fixed length inserted between two fields to make it possible to know the location of data (column 2, lines 10-19).

DiNatale et al in view of Gatherer et al and Rainard are analogous art because they are both related to data handling in a cable modem.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the delimiter in Rainard with the method taught by DiNatale et al in view of Gatherer et al because the location of specific data is known (Rainard, column 2, lines 10-16).

Claim 18 discloses the method of claim 17, wherein if the detected configuration file is an initialization file that is first input to the cable modem, the first configuration file is stored in the memory and the registration process is performed using the first configuration file information. Gatherer et al further teaches of a parser function which processes the incoming bit stream into groups of bits of specific lengths which separates the data providing a delimiter in between (column 8, lines 66-67, column 9, lines 1-8).

Response to Arguments

Applicant's arguments filed November 27, 2006 have been fully considered but they are not persuasive.

Applicant asserts the prior art fails to teach of initializing the cable modem based on the previously stored configuration file when the detected version information of the configuration file is identical to version information of the previously stored configuration file. The Examiner respectfully disagrees, DiNatale et al teaches of comparing a detected file with a file previously stored file and will update the configuration information only if the version of the detected file is newer than the previously stored

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file. If the current version is already stored then the file is identical to the detected file and the modem is initialized using the previously stored file (page 7, line 29 – page 8, line 16).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis
Examiner
Art Unit 2141

BJG


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